

# Dental Amalgam Rulemaking

---

Al Garcia

EPA Region 8

NACWA

May 18, 2011

# Dental Amalgam Rulemaking

- Proposal – Fall 2011
- Final Rulemaking – Fall 2012
- Outcome - ~120,000 Significant Industrial Users



# Dental Amalgam Rulemaking

## Rulemaking Considerations:

- Cost to Dental Facilities to comply with the Rule
- Cost to POTWs and other Control Agencies (State and EPA) to implement the Rule

# Dental Amalgam Rulemaking

## Costs to Dental offices

- Installation of an appropriately sized amalgam separator
- Maintenance
- Good Housekeeping practices
- Record keeping



# BMP-based Sector Control Programs

- FOG, POG, Ag, etc.
- Appropriate treatment technology
- Appropriately sized
- Operation and Maintenance
- Recordkeeping

# Dental Amalgam Rulemaking

## POTW Implementation Issues

- Legal Authority
- Industrial User Inventory and Characterization
- Control Strategy
- Facility Inspections
- Compliance Evaluation
- Enforcement



# Legal Authority

- Updated Ordinance/Rules and Regulations
  - BMPs as Pretreatment Standards
    - Definition
    - SNC Criteria
    - Recordkeeping requirements
  - General Permitting Authority
  - NSCIU
- Your State Approval Authority must adopt Pretreatment Streamlining Regs

# Industrial User Inventory and Characterization

- Develop a subset of the IWS
  - Dental IU Inventory
- 40 CFR 403.8(f)(2)(iii) - Notify Industrial Users identified under paragraph (f)(2)(i) of this section, of applicable Pretreatment Standards



# Control Strategy

40 CFR 403.8(f)(1)(iii)

- “Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements.
- **(A)(1)** - At the discretion of the POTW, this control may include use of general control mechanisms if the following conditions are met. All of the facilities to be covered must:
  - ( i ) Involve the same or substantially similar types of operations;
  - ( ii ) Discharge the same types of wastes;
  - ( iii ) Require the same effluent limitations;
  - ( iv ) Require the same or similar monitoring; and
  - ( v ) In the opinion of the POTW, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

# General Permit

- Authority to develop a general permit in ordinance/rules and regulations
- Develop general permit for your service area
- Dental facilities required to submit Notice of Intent (NOI) for coverage
- Issue permit coverage certification or copy of general permit with BMP requirements



# Non-Significant Categorical IUs (NSCIU)

- Discharge  $\leq 100$  gpd of total categorical wastewater
- Consistently compliant with all applicable categorical pretreatment standards and requirements
- Never discharges any untreated concentrated wastewater to the POTW

# Facility Inspections

- 40 CFR 403.8(f)(2)(v) – Inspect...each Significant Industrial User at least once a year...



# CIU Reporting Requirements

- Baseline Monitoring Report-403.12(b)
- 90 day compliance report-403.12(d)
- Periodic compliance reports (2x/year)  
403.12(e)
- Report on potential problems  
including slug discharges (403.12(f))

# Compliance Evaluation

- 40 CFR 403.12(e) – periodic compliance reporting
- Certification statement for compliance?
- Other elements for reporting?
  - O+M records
  - Operating logs
  - Waste manifests



# Enforcement

- Enforcement Response Plan
- Non-compliance with Pretreatment Standards
- Reporting violations
- SNC Evaluation

# Pretreatment Programs

- Programs that have direct implementation experience with mandatory or voluntary amalgam requirements
- Data – INF, EFF, Biosolids
- Lessons learned:
  - Similar BMP-based sector control programs
  - Development of program
  - Certification-Start up
  - Implementation
  - Compliance evaluation
  - Enforcement



# Contact Information

Al Garcia

EPA Region 8

Pretreatment Coordinator

303.312.6382

[garcia.al@epa.gov](mailto:garcia.al@epa.gov)